

Senate Bill 666

By: Senator Grant of the 25th

AS PASSED

AN ACT

To amend an Act providing a new charter for the City of Milledgeville, approved December 15, 1900 (Ga. L. 1900, p. 345), as amended, particularly by an Act approved August 19, 1916 (Ga. L. 1916, p. 819), and an Act approved March 5, 1976 (Ga. L. 1976, p. 2820), and an Act approved May 22, 2003 (Ga. L. 2003, p. 3661), so as to provide for the transaction of business of the city council; to establish a quorum and the votes necessary to pass or enact any matter; to provide for meetings of the city council and notice thereof; to provide for the duties and powers of the mayor; to provide for the temporary appointment of individuals to act as city manager under certain circumstances; to provide additional duties of the city manager; to provide for the circumstances in which the mayor and council may give directions to employees under the city manager; to provide for competitive bids under certain circumstances; to provide for the appointment of certain city officers and the adoption of certain policies, procedures, and compensation plans; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

An Act providing a new charter for the City of Milledgeville, approved December 15, 1900 (Ga. L. 1900, p. 345), as amended, particularly by an Act approved August 19, 1916 (Ga. L. 1916, p. 819), and an Act approved March 5, 1976 (Ga. L. 1976, p. 2820), and an Act approved May 22, 2003 (Ga. L. 2003, p. 3661), is amended by striking Section 12 and inserting in lieu thereof a new Section 12 and Section 12.1 to read as follows:

"SECTION 12.

(a) In addition to other acts required by general state law or by specific provisions of this charter to be done by ordinance, acts of the city council which have the force and effect of law shall be done by ordinance. The city council by ordinance shall adopt such rules of procedure and form as it deems appropriate for the reading, consideration, and enactment of ordinances.

- (b) Four councilmembers shall constitute a quorum and shall be authorized to transact business of the city council; provided, however, that, when there are no more than four members of council present, it shall require at least three votes to pass any measure, except as otherwise provided in this charter.
- (c) Whenever in this charter a majority vote of councilmembers is required, it shall mean the affirmative vote of at least four councilmembers or, in the case of a tie, the affirmative vote of the mayor and three councilmembers.
- (d) It shall not be necessary to the validity of any ordinance passed by such city council to publish the same in any newspaper or to post a copy of said ordinance.

SECTION 12.1.

- (a) The city council shall hold regular meetings at such times and places as prescribed by ordinance.
- (b) Special meetings of the city council may be held on call of the mayor or three members of the city council. Notice of such special meetings shall be served on all other members personally, or by telephone personally, at least 24 hours in advance of the meeting. Such notice to councilmembers shall not be required if the mayor and all councilmembers are present when the special meeting is called. Such notice of any special meeting may be waived by a councilmember in writing before or after such a meeting, and attendance at the meeting shall also constitute a waiver of notice on any business transacted in such councilmember's presence. Only the business stated in the call may be transacted at the special meeting.
- (c) All meetings of the city council at which any official action is to be taken shall be public to the extent required by Code Section 50-14-1, et seq., of the O.C.G.A., as amended; and notice of such meetings, whether regular or special, shall be made fully as is reasonably possible at least three days prior to such meetings."

SECTION 2.

Said Act is further amended by striking Section 21.2 and inserting in lieu thereof a new Section 21.2 to read as follows:

"SECTION 21.2.

The mayor shall:

- (1) Preside at all meetings of the city council;
- (2) Be the head of the city for purpose of service of process and for ceremonial purposes;

- (3) Have power to administer oaths and to take affidavits;
- (4) Sign as a matter of course on behalf of the city all written and approved contracts, ordinances, and other instruments executed by the city which by law are required to be in writing;
- (5) Nominate members of citizen advisory boards, committees, authorities, and commissions with the advice and consent of the city council;
- (6) Vote on matters before the city council only in the event of a tie; and
- (7) Appoint city council committees and all ad hoc committees."

SECTION 3.

Said Act is further amended by striking Section 21.7 and inserting in lieu thereof a new Section 21.7 to read as follows:

"SECTION 21.7.

In the event of the suspension of the city manager by the city council or the scheduled or anticipated absence or disability of the city manager for a period of ten or more consecutive days, the city council shall designate by a majority vote of all councilmembers a person or persons to perform the functions and duties of the city manager during his or her suspension or absence or disability. Vacancies in the office of city manager shall be filled by the city council as early as practicable and, until such a vacancy is filled, the city council shall have full powers to make a temporary appointment of a qualified person to perform the functions and duties of the manager's office."

SECTION 4.

Said Act is further amended in Section 21.8 by redesignating paragraphs (8) and (9) as paragraphs (9) and (10), respectively, and inserting a new paragraph (8) to read as follows:

"(8) Prepare and organize the city council agenda for all meetings and work sessions;".

SECTION 5.

Said Act is further amended by striking Section 21.9 and inserting in lieu thereof a new Section 21.9 to read as follows:

"SECTION 21.9.

Except for the purpose of inquiries or investigations authorized by a majority vote of councilmembers, neither the mayor nor the city council or its members shall direct or give

orders to city officers or employees who are subject to the direction and supervision of the city manager."

SECTION 6.

Said Act is further amended by striking Section 21.11 and inserting in lieu thereof a new Section 21.11 to read as follows:

"SECTION 21.11.

It shall be the duty of the city manager or the city manager's designee to obtain competitive bids for the purchase of any real or personal property with a fair market value exceeding an amount as the city council may from time to time establish by ordinance, except when such property is acquired through state contract, or, unless such ordinance provides otherwise, in cases in which an emergency exists or other circumstances require that an immediate purchase be made and such facts are so stated in a resolution adopted by the city council authorizing such purchase."

SECTION 7.

Said Act is further amended by striking Section 22 and inserting in lieu thereof a new Section 22 to read as follows:

"SECTION 22.

- (a) The city council shall appoint by majority vote of councilmembers the following city officers and officials:
- (1) City auditor;
 - (2) Municipal court judge;
 - (3) Municipal court solicitor; and
 - (4) Municipal court public defender.
- (b) All city officers and officials appointed pursuant to this section and Section 23.1 shall serve at the pleasure of the city council and are subject to immediate removal or suspension at any time by a majority vote of the councilmembers.
- (c) All other personnel, officers, or agents of the city shall be appointed by the city manager, except as otherwise provided by law or personnel ordinances adopted pursuant to this charter.

(d) The city council by ordinance may adopt such personnel policies, procedures, classifications, and compensation plans as it deems necessary for the proper administration of the affairs and government of this city."

SECTION 8.

All laws and parts of laws in conflict with this Act are repealed.